

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

**STATE OF NEW MEXICO *ex rel.*)**

**State Engineer,**

**Plaintiff,**

**V.**

**ROMAN ARAGON, *et al.*,**

**Defendants.**

**Case No.: 69cv07941 MV-LFG**

## RIO CHAMA STREAM SYSTEM

## Rio Brazos, Section 7

**Subfile No.: CHRB-001-0002**

**MOTION TO WITHDRAW REPRESENTATION FOR BRAZOS MUTUAL DOMESTIC  
WATER CONSUMERS ASSOCIATION PURSUANT TO COURTS ORDER DENYING  
MOTION TO WITHDRAW OF OCTOBER 24, 2022**

COMES NOW, JAlbright Law, LLC (Jeffrey H. Albright) files this Motion to Withdraw Representation of Defendant BRAZOS MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION (“BMDWCA” or “Brazos”), pursuant to the Courts “Order Denying Motion to Withdraw” without prejudice issued on October 24, 2022.

The Order denying this withdrawal states that JAlbright Law, LLC did not include a notice required by Local Rule 83.8(c) to Brazos with the required information. However, concurrently with the filing of its previous Motion to Withdraw of September 28, 2022, a letter was sent to Brazos by JAlbright Law, LLC with a copy of the Motion to Withdraw Representation and information regarding the Withdrawal. That letter is included with this Motion at Attachment A. The letter of September 28, 2022 was sent via e-mail and Certified Mail. The officers and directors, to whom the letter of September 28, 2022 was addressed, were elected subsequent to counsel's notice of withdrawal as Brazos' counsel of April 11, 2022.

Following the e-mail and mailing of September 28, 2022, Brazos President Bob Cooke called JAlbright Law, LLC on September 30, 2022. It was the first contact Mr. Albright had with Mr. Cooke. Following that telephone call, a follow up e-mail was sent to Mr. Cooke with the information as attached in Attachment B, which includes the language from Rule 83.8(c) as required by the Court. It should be noted that all of the other information provided as a professional courtesy to Mr. Cooke were documents that were already in the possession of Brazos prior to the April 11, 2022, notice of withdraw as counsel.

As of the date of this filing, the Brazos website notes that Ms. Amanda Urioste will be assuming the role of President effective November 13, 2022. Thus, pursuant to D.N.M.LR-Civ. 83.8 (b) this Motion will be served on the following based on the latest information publicly available to JAlbright Law, LLC:

Brazos Mutual Domestic Water Consumers Association  
HC 75 Box 105  
Chama, NM 87520

President—Bob Cooke [bob.cooke@upperbrazoswater.org](mailto:bob.cooke@upperbrazoswater.org)

President effective November 13, 2022 —Amanda Urioste [amandaurioste@gmail.com](mailto:amandaurioste@gmail.com)

This Motion will also be sent via e-mail and Certified Mail to the President and President Elect, listed on the Brazos website <https://upperbrazoswater.org/>

Respectfully submitted,

By: /s/ Jeffrey H. Albright

Jeffrey H. Albright, Attorney

JAlbright Law, LLC

201 Third St. NW, Suite 500

Albuquerque, NM 87102-4388

(505) 926-4105 (Direct)

[JA@Jalblaw.com](mailto:JA@Jalblaw.com)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 4, 2022, I filed the foregoing *Motion To Withdraw Representation For Brazos Mutual Domestic Water Consumers Association Pursuant To Courts Order Denying Motion To Withdraw Of October 24, 2022*, without prejudice, electronically through CM/ECF System, which caused the parties to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/Jeffrey H. Albright

# *Albright Law, LLC.*

201 Third Street NW, Suite 500  
Albuquerque, NM 87102  
505-926-4100

September 28, 2022

**Via Certified Mail and E-Mail**

Brazos Mutual Domestic Water Consumers Association  
HC 75 Box 105  
Chama, NM 87520

President—Bob Cooke	<a href="mailto:bob.cooke@upperbrazoswater.org">bob.cooke@upperbrazoswater.org</a>
Vice President—Irvine Lindemuth	<a href="mailto:irvin.lindemuth@upperbrazoswater.org">irvin.lindemuth@upperbrazoswater.org</a>
Treasurer—Karen Adam	<a href="mailto:karen.adam@upperbrazoswater.org">karen.adam@upperbrazoswater.org</a>
Director—Jim Banister	<a href="mailto:jim.banister@upperbrazoswater.org">jim.banister@upperbrazoswater.org</a>
Director—Dennis Fahs	<a href="mailto:dennis.fahs@upperbrazoswater.org">dennis.fahs@upperbrazoswater.org</a>
Director—Chris Dennison	<a href="mailto:chris.dennison@upperbrazoswater.org">chris.dennison@upperbrazoswater.org</a>
Director—Ryan Costanza	<a href="mailto:ryan.costanza@upperbrazoswater.org">ryan.costanza@upperbrazoswater.org</a>

Re: *Case No.: 69cv07941 MV-LFG (Rio Chama Stream Adjudication); Withdrawal of Counsel for Jalbright Law, LLC*

Dear Brazos Board,

With this letter please find enclosed the Motion To Withdraw Representation For Brazos Mutual Domestic Water Consumers Association Pursuant to Courts Order to Show Cause filed on September 28, 2022. This letter is consistent with the notice of withdrawal as counsel previously provided to the acting Board President and Board members on April 11, 2022.

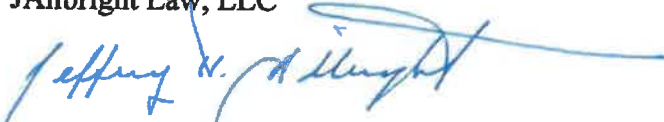
As JAlbright Law, LLC no longer represents the Brazos Mutual Domestic Water Consumers Association, it is assumed that Brazos will have no issue with the Withdrawal and will not be filing any objections to the Motion. Unless there is an objection, nothing needs to be done regarding this Motion by Brazos. If you have another attorney representing you, please provide this letter to your new counsel.

The Stipulation for Rio Chama Stream System Rio Brazos Section 7, Subfile CHRD-001-002 states facts regarding the adjudication. BMDWCA should have this document in its possession, since it has been in place since 2013.

Thank you for your attention to this matter.

Regards,

JAlbright Law, LLC

A handwritten signature in blue ink, appearing to read "Jeffrey H. Albright", with a long horizontal flourish extending to the right.

Jeffrey H. Albright

Encl.: Motion to Withdraw Representation for BMDWCA filed 9/28/2022

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF NEW MEXICO**

**STATE OF NEW MEXICO *ex rel.* )**

**State Engineer, )**

**Plaintiff, )**

**v. )**

**ROMAN ARAGON, *et al.*, )**

**Defendants. )**

**Case No.: 69cv07941 MV-LFG**

**RIO CHAMA STREAM SYSTEM**

**Rio Brazos, Section 7**

**Subfile No.: CHRB-001-0002**

**MOTION TO WITHDRAW REPRESENTATION FOR BRAZOS MUTUAL DOMESTIC  
WATER CONSUMERS ASSOCIATION PURSUANT TO  
COURTS ORDER TO SHOW CAUSE**

COMES NOW, JAlbright Law, LLC (Jeffrey H. Albright) files this Motion to Withdraw Representation of Defendant BRAZOS MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION (“BMDWCA”), pursuant to the Courts Order to Show Cause on the Notice of Withdrawal for Defendant. Withdrawal as counsel for BMDWCA was discussed with and accepted by the Acting President and other BMDWCA Board members in March and April 2022. It was confirmed and formalized in a letter to BMDWCA dated April 11, 2022. JAlbright Law, LLC has not had any further discussions with BMDWCA since then.

Pursuant to D.N.M.LR-Civ. 83.8 (b) this Motion will be served on the following based on the latest information publicly available to JAlbright Law, LLC:

Brazos Mutual Domestic Water Consumers Association  
HC 75 Box 105  
Chama, NM 87520

(505) 756-8264 (Bob Cooke, President)  
(520) 850-3396 (Irvin Lindemuth, Vice President)

This Motion will also be sent via e-mail to the President, and Vice President listed on the Brazos website <https://upperbrazoswater.org/>

President—Bob Cooke [bob.cooke@upperbrazoswater.org](mailto:bob.cooke@upperbrazoswater.org)

Vice President—Irvine Lindemuth [irvin.lindemuth@upperbrazoswater.org](mailto:irvin.lindemuth@upperbrazoswater.org)

BMDWCA has 14 days to respond to this Motion from date of service if there are any objections to this Motion to Withdraw. Failure to object within this time constitutes consent to grant the Motion.

Respectfully submitted,

By: /s/ Jeffrey H. Albright  
Jeffrey H. Albright, Attorney  
JAlbright Law, LLC  
201 Third St. NW, Suite 500  
Albuquerque, NM 87102-4388  
(505) 926-4105 (Direct)  
[JA@Jalblaw.com](mailto:JA@Jalblaw.com)

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 28, 2022, I filed the foregoing *Motion to Withdraw Representation for Brazos Mutual Domestic Water Consumers Association Pursuant to Courts Order to Show Cause* electronically through CM/ECF System, which caused the parties to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Jeffrey H. Albright

Amanda Edwards

**From:** Amanda Edwards  
**Sent:** Thursday, October 27, 2022 11:20 AM  
**To:** Amanda Edwards  
**Subject:** Certified Notification for BRAZOS letter

Tracking Number:  
**70211970000201596714**

 Copy  Add to Informed Delivery

Latest Update

Your item was picked up at the post office at 4:29 pm on October 6, 2022 in CHAMA, NM 87520.

- Delivered**  
Delivered, Individual Picked Up at Post Office  
CHAMA, NM 87520  
October 6, 2022, 4:29 pm
- Reminder to Schedule Redelivery of your item  
October 5, 2022
- Notice Left (No Authorized Recipient Available)  
CHAMA, NM 87520  
September 30, 2022, 9:55 am
- Arrived at Post Office  
CHAMA, NM 87520  
September 30, 2022, 9:50 am
- Departed USPS Origin Facility  
ALBUQUERQUE, NM 87101  
September 29, 2022, 1:47 pm
- Arrived at USPS Origin Facility  
ALBUQUERQUE, NM 87101  
September 28, 2022, 7:23 pm
- Departed Post Office  
ALBUQUERQUE, NM 87102  
September 28, 2022, 4:33 pm
- USPS picked up item  
ALBUQUERQUE, NM 87102  
September 28, 2022, 3:05 pm
- Hide Tracking History



## Amanda Edwards

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**From:** Amanda Edwards  
**Sent:** Friday, September 30, 2022 12:51 PM  
**To:** bob.cooke@upperbrazoswater.org; bcooke001@gmail.com  
**Cc:** Jeff Albright  
**Subject:** BRAZOS - Curtsey Copies of Documents  
**Attachments:** 20130705 Stipulated agreement between BRAZOS and Water Rights Division of OSE.pdf; 20220207 Letter to OSE re Brazos Water Plan.pdf; Rule 83.8.pdf; 6-69-cv-07941-KWR-KK Service List.pdf

Good Afternoon Mr. Cooke,

Per your phone conversation with Mr. Albright this morning, attached please find curtesy copies of the following documents:

1. The stipulated agreement between Brazos and the Water Rights Division of the OSE dated July 5<sup>th</sup>, 2013.
2. A letter to the OSE regarding amendments to the Brazos 40 Year Water Plan and Water Conservation Plan dated February 7<sup>th</sup>, 2022.
3. A copy of Rule 83.8 relating to withdrawal of counsel. One note from Mr. Albright on this, we filed our withdrawal pursuant to 83.8(B), and Brazos may arguably fall into the category of 83.8(C), but that is a decision to be discussed with Brazos' new counsel. We highlighted the relevant portion of the Rule.
4. The service list for Case No. 6:69-CV-07941-KWR-KK (Brazos Adjudication). Most, if not all the contacts on this list are attorneys.

Note that the stipulation of the Water Rights Division of July 5<sup>th</sup>, 2013 was changed by the OSE when it was submitted in the Brazos Adjudication.

The information is provided as a professional curtesy only, and Mr. Albright's letter of withdrawal from representation of BMDWCA remains in effect.

Thank you,

*Emma Douglas*

Legal Secretary to Jeffrey H. Albright

**JAlbright Law, LLC**

201 Third Street NW

Suite 500

Albuquerque, NM 87102

505-926-4100

**83.8 Withdrawal of Appearance.** In addition to the provisions of D.N.M.LR-Civ. 83.4(b), an attorney may withdraw from an action as follows:

- (a) **Unopposed Motion to Withdraw.** The motion to withdraw and proposed order must indicate consent of the client represented by the withdrawing attorney and:

  - notice of appointment of substitute attorney; or
  - a statement of the client's intention to appear *pro se* and the client's address and telephone number; or
  - if the client is a corporation, partnership or business entity other than a natural person, the client's address and telephone number.
- (b) **Contested Motion to Withdraw.** The attorney must file and serve on all parties, including the client, a motion to withdraw. The attorney must give notice in the motion that objections must be served and filed within fourteen (14) days from date of service of the motion and that failure to object within this time constitutes consent to grant the motion.
- (c) **Party is Corporation, Partnership or Business Entity Other Than a Natural Person.** A motion to withdraw from representation of a corporation, partnership or business entity other than a natural person must include a notice that the corporation, partnership or business entity other than a natural person can appear only with an attorney. Absent entry of appearance by a new attorney, any filings made by the corporation, partnership or business entity other than a natural person may be stricken and default judgment or other sanctions imposed.